In the High Court of Judicature at Madras

Dated:05.09.2006

Coram:

The Hon'ble Mr. Justice P. SATHASIVAM
and
The Hon'ble Mr. Justice S. MANIKUMAR

Writ Petition No.27486 of 2006
and M.P.No.1 of 2006

L. Viswanathan .. Petitioner

vs.

1. Government of India
   rep. by the Secretary
   Ministry of Home Affairs
   New Delhi 110 001.

2. The Secretary
   Department of Fertilizer
   Ministry of Chemicals and Fertilizer
   Shastri Bhavan, New Delhi 110 001.

3. Central Vigilance Commissioner
   Central Vigilance Commission
   Government of India
   Satrakata Bhawan
   GPO Complex
   Block-1, INA, New Delhi 110 023.

4. Madras Fertilizers Limited
   Manali, Chennai 600 068.

5. Sukumaran. Oommen
   Chairman and Managing Director
   Madras Fertilizers Ltd.,
   Manali, Chennai 600 068. .. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus as stated therein.

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For petitioner : Mr. K.M. Ramesh

ORDER

(Order of the Court was made by P. SATHASIVAM,J.)

The petitioner by name L. Viswanathan has filed this petition by way of Public Interest Litigation, seeking to issue a writ of mandamus directing respondents 1 and 2 to remove the 5th respondent from the post of Chairman and Managing Director °f Madras Fertilizers Ltd., Manali, Chennai 600 068 forthwith.

2. Heard the learned counsel for the petitioner.

3. In the light of the order to be passed hereunder, we are of the view that it is unnecessary to refer all the factual details as stated in the affidavit filed in support of the above petition. However, it is seen that the petitioner is a retired employee of Madras Fertilizers Ltd., and is a share holder of the Company. The 4th respondent is a public sector undertaking and the Government of India is having majority shares of the said Company. The 4th respondent is controlled by the Ministry of Chemicals and Fertilizers of the Government of India and the accounts of the Company were placed before the Comptroller and Auditor General of India under Section 619 (4) of the Companies Act, 1956 for approval every year and the performance of the company was also placed before the Parliament.

4. Further it is stated by the petitioner that the 5th respondent Shri Sukumar N. Oommen, who is a retired IAS Officer was removed from the post of Chairman, Kerala Electricity Board due to his indifferent attitude and was appointed as the Chairman and Managing Director of the 4th respondent company by the Government of India in September, 2002. According to the petitioner, the 5th respondent after assuming office, started indulging in all kinds of activities not in the interest of the 4th respondent company and the production of the 4th respondent company has been reduced to a great extent. According to the petitioner, the unilateral decisions taken by the 5th respondent adversely affected the prospects and future of the 4th respondent Company. It is also stated that based on various complains the Central Vigilance Commission in consultation with Central Bureau of Investigation has included the name of the 5th respondent in the "Agreed List" of senior officials whose integrity and honesty is under clout and suspicion. It is also the grievance of the petitioner that in spite of several representations on various occasions, though the second respondent has initiated enquiry, according to the petitioner, no effective steps have been taken till this date, hence, he filed the present writ petition praying for appropriate directions

5. Inasmuch as even according to the petitioner and the learned counsel for the petitioner, several representations are still pending with respondents 1 and 2, we are of the view that ends of justice would be met by directing the second respondent to consider and dispose of various representations specified in the affidavit and included in the typed set of papers on various occasions and dispose of the same one way or other in accordance with law expeditiously.

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With the above observation, this writ petition is disposed of. No costs. Consequently, connected MP., is closed.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

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To

1. The Secretary
   Government of India
   Ministry of Home Affairs
   New Delhi 110 001.

2. The Secretary
   Department of Fertilizer
   Ministry of Chemicals and Fertilizer
   Shastri Bhavan, New Delhi 110 001.

3. Central Vigilance Commissioner
   Central Vigilance Commission
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   Block-1, INA, New Delhi 110 023.

4. The Chairman and Managing Director
   Madras Fertilizers Limited
   Manali, Chennai 600 068.

1 cc To Mr.K.M.Ramesh, Advocate, SR.40609.

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